

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:23-CT-3097-BO

On March 30, 2023, Darrel R. Fisher (“Fisher” or “plaintiff”), proceeding *pro se*, filed a complaint under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971) [D.E. 1]. On April 3, 2023, Magistrate Judge Jones issued an order of deficiency directing Fisher to either pay the filing fee or file an application to proceed without prepayment of fees and affidavit [D.E. 3]. Magistrate Judge Jones warned Fisher that his failure to comply may result in the dismissal of this action without prejudice for failure to prosecute, and sent him the form needed to comply with the order. See *id.*

Fisher failed to comply with Magistrate Judge Jones's order, and the time within which to do so has expired. Accordingly, the court DISMISSES the action without prejudice. See Clack v. Rappahannock Reg'l Staff, 590 F. App'x 291, 291–92 (4th Cir. 2015) (per curiam) (unpublished); Ballard v. Carlson, 882 F.2d 93, 95–96 (4th Cir. 1989). The clerk shall close the case.

SO ORDERED. This 1 day of May, 2023.

Terrence Boyle
TERRENCE W. BOYLE
United States District Judge